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Counsel for Defendant TRABULSE

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	No. CR-09-0350 WHA
	)	
Plaintiff,	)	<b>NOTICE OF WITHDRAWAL OF</b>
	)	<b>MOTION FOR SPECIFIC</b>
vs.	)	<b>PERFORMANCE OF PLEA</b>
	)	<b>AGREEMENT</b>
ALEXANDER JAMES TRABULSE,	)	
	)	
Defendant.	)	

On October 9, 2009, defendant Alexander James Trabulse filed a motion requesting that this Court order specific performance of the government's plea offer tendered on or about June 15, 2009. *See* Docket Nos. 60, 61. That plea agreement would have provided a sentencing range of 21 to 41 months. *See* Docket No. 61 (Stewart Decl.) ¶ 10 & Ex. F (Plea Agreement). On July 6, 2009, the government purported to withdraw the plea offer that had already been accepted, necessitating the motion. *See id.* ¶ 14 & Ex. J (Letter from government to undersigned counsel).

On November 3, 2009, Mr. Trabulse entered a guilty plea to a superseding plea agreement. In consideration of that plea agreement and the sentencing range contained therein, Mr. Trabulse agreed to withdraw his pending motion for specific performance of the June 15,

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1 2009, plea agreement. *See* Nov. 2009 Plea Agreement ¶ 4 (“I also agree to give up my right to  
2 require specific performance of the plea agreement presented to the Court on June 17, 2009.”).

3 Accordingly, Mr. Trabulse hereby **WITHDRAWS** the pending noticed motion for  
4 specific performance of the plea agreement, included in this Court’s docket at entries 60 and 61.  
5 This notice of withdrawal is made in conformity with the Criminal and Civil Local Rules, in that  
6 notice of withdrawal is made not later than 7 days after service of the opposition to the motion.  
7 *See* Civ. L.R. 7-7(e) (“Within 7 days after service of an opposition, the moving party may file  
8 and serve a notice of withdrawal of the motion. Upon the filing of a timely withdrawal, the  
9 motion will be taken off[]calendar.”).

10  
11 Dated: November 3, 2009

12 Respectfully submitted,

13 BARRY J. PORTMAN  
14 Federal Public Defender

15 /s/  
16 LOREN D. STEWART  
17 Assistant Federal Public Defender  
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